

*A Guide to*  
*Financing Successful Partnerships with*  
*Missouri Department of Transportation*

# **Table of Contents**

<b>Introduction</b>	<b>1</b>
<b>Types of Partnership Programs</b>	<b>2</b>
<b>Partnership Funding Options</b>	<b>3</b>
<b>Cost Share / Economic Development Program</b>	<b>3</b>
<b>Missouri Transportation Corporations</b>	<b>4</b>
• <b>Purpose and Powers of a Transportation Corporation</b>	<b>4</b>
• <b>Steps To Forming Transportation Corporation</b>	<b>5</b>
<b>Missouri Transportation Development Districts</b>	<b>7</b>
• <b>Purpose and Powers of a Transportation Development District</b>	<b>7</b>
• <b>Steps To Forming A Transportation Development District</b>	<b>8</b>
<b>Debt-Financing Programs</b>	<b>15</b>
• <b>Project Eligibility</b>	<b>15</b>
• <b>Financing Options</b>	<b>15</b>
• <b>Terms</b>	<b>15</b>
<b>Application Process</b>	<b>16</b>
<b>Application Copies and Fees</b>	<b>16</b>
<b>Appendix A - Acronyms/Definitions</b>	<b>17</b>
<b>Appendix B - Missouri Department of Transportation District Map</b>	<b>19</b>
<b>Appendix C - Alternative Funding Application</b>	<b>20</b>

## **Introduction**

Demands for transportation improvements have greatly outpaced the funds available to meet them. In response to this demand, federal and state law and the Missouri Department of Transportation (MoDOT) have established various mechanisms for successful public/public and public/private partnerships. These mechanisms expand financing options for transportation projects that serve a public purpose, including: highway and rail projects, transit equipment, air and water transportation facilities, and elderly/handicapped vehicles. The benefits to a project assisted by these partnerships may include: inflation cost savings, early economic and public benefits, financing tailored to the project's needs, and a reduced cost of project financing.

This guide will provide MoDOT's potential transportation partners with information about alternative finance programs and how to apply for them. The programs can be used alone or in combination with each other to complete a project's financing plan and achieve a successful partnership with MoDOT.

MoDOT staff is eager to work with you on developing transportation partnerships. A separate program was established specifically to assist you, our partner, in this endeavor. As you read through this booklet and questions arise, please feel free to contact MoDOT's Innovative Finance Program staff at 573-526-8106 or send e-mail to [Innov-Finance@modot.mo.gov](mailto:Innov-Finance@modot.mo.gov). We look forward to working with you.

## Types of Partnership Programs

**Partnership Funding Programs** -- These programs bring money to the project that doesn't have to be repaid.

- **Cost Sharing Program** –MoDOT commits to funding up to 50% of project costs for projects not 100% funded by MoDOT, but will be beneficial to the state highway system.
- **Economic Development Program** -- provides a method of funding projects that will significantly impact statewide or regional economic development. Funding can be greater than 50% of project costs.
- **Transportation Corporations** -- specialized, temporary, private, not-for-profit corporations allowed under state law that can be organized to plan, develop, and finance a particular transportation project. Revenue options include tolls and agreements to receive revenue from other sources, such as a city's sales tax.
- **Transportation Development Districts** -- a temporary, local, political subdivision authorized by state law, the courts, and a vote of the public or owners of real property affected by the district to plan, develop, finance, and levy taxes for a particular state highway system transportation project.

**Partnership Debt-Financing Programs** -- These programs provide flexible financing for a project. The project funding has to be repaid.

- **Missouri Transportation Finance Corporation (MTFC)** - a non-profit lending corporation established to assist in financing transportation projects. The MTFC can assist highway and transit projects.
- **State Transportation Assistance Revolving Fund (STAR Fund)** - a fund created by the Missouri General Assembly to assist in the planning, acquisition, development, and construction of non-highway transportation facilities and vehicles.

### **General Program Requirements**

- All projects funded through these alternatives must have a written plan for funding type and source. This plan should be incorporated into the agreement between the project sponsor and MHTC.
- All projects on the state highway system must meet MoDOT's design standards and are subject to the same review and approval processes as projects fully funded by MoDOT.

## **Partnership Funding Options**

### **Cost Share / Economic Development Program**

- Project must be on state highway system.
- Local metropolitan planning organization (MPO) or regional planning commission (RPC) must support project.
- District engineer must agree to need and proposed solution before project can be considered.
- Agreement approved by the Missouri Highways and Transportation Commission's (MHTC) and the project sponsor is required for each project. The MHTC agreement identifies project expenses that will be included and each party's responsibility for project costs. These agreed upon expenses are called participation costs.
- At a minimum, agreement between MHTC and project sponsor will include expenses for construction inspection, construction contract and any construction change orders. Other expenses that may be included are preliminary engineering, right of way acquisition, right of way incidental costs and utility relocations.
- Project sponsors must contribute at least 50 percent of participation costs unless project creates new jobs.
- Projects that create jobs, as verified by the state Department of Economic Development, may be funded up to 100 percent of participation costs with Commission approval. Retail development projects are not eligible for higher participation level.
- Funds available for MoDOT's participation are based on uncommitted revenue. This amount is determined based on MoDOT's debt management policy and funds necessary to keep STIP commitments. No project will be moved out of STIP to increase revenue available for projects partially paid by others.
- MoDOT's funding for proposed projects will be considered based on the following hierarchy of funding sources.
  - Remaining balance of \$30 million annual set-aside for cost-share/economic development -- Projects limited to \$5 million annual portion of this funding allocation for a maximum of four years.
  - Rural major corridor funding allocation remaining balance -- Projects must be improvement to major rural corridor. Since each Transportation Management Area (TMA) region receives its portion of major project funding directly, projects within its boundaries are not eligible for rural major corridor funding.
  - Funds distributed to districts for regional concerns or flexible funding -- Project must have concurrence of district engineer, and district must have an available balance. TMA must agree to use of district funding allocation for project.
- Concurrence on project funding between the district engineer and the director of transportation planning is necessary for Cost Share / Economic Development projects to proceed.

## **Missouri Transportation Corporations**

The transportation corporation formation process can occur concurrently with other innovative finance processes. However, incorporation must occur prior to entering into a financing agreement with the Missouri Highways and Transportation Commission.

This is an abbreviation of the information contained within the Missouri Transportation Corporation Act. For full details on transportation corporations, refer to Chapter 238, RSMo. Sections 238.300 to 238.367. The statute can be found on the State of Missouri website at [www.moga.state.mo.us/statutes/C238.htm](http://www.moga.state.mo.us/statutes/C238.htm).

### ***Purpose and Powers of a Transportation Corporation***

Transportation Corporations can:

- Promote and develop public transportation facilities and systems and economic development in Missouri by new and alternative means.
- Perform many functions normally undertaken by the Missouri Highways and Transportation Commission (MHTC) and its staff.
- Secure and obtain right-of-way and assist in the planning and design of transportation systems.
- Limit and secure access to a project.
- Sell and convey excess right-of-way at fair market value.
- Request the MHTC to act on its behalf for condemnation of land.
- Perform activities and hold property for purely civic, social welfare, and charitable purposes and are, therefore, property and income tax exempt.
- Use any lawful funding method for a project, including tax-exempt revenue bonds, notes, fees for services provided, tolls and rent for project construction, operation and/or maintenance. (For toll facility projects, an existing highway/street/road may be relocated and subject to approval by appropriate authorities.) Revenues can be deposited with the MHTC by contract.
- Contract with:
  - Federal agencies, states or their agencies, political subdivisions, MHTC, transportation authorities, corporations, partnerships or individuals regarding funding, promotion, planning, designing, constructing, improving, maintaining, operating or assisting in a project;
  - MHTC to transfer the project to the commission; and,
  - A person, corporation, transportation authority, the MHTC, the state or a federal agency for jointly paying the cost of a project.
- Sue and be sued in its own name.
- Fix compensation of its employees and contractors and disburse funds for its activities.
- Advertise and let construction contracts in the same manner as the letting of public works contracts by MoDOT.
- Purchase, lease, lease-purchase, or receive gifts and grants of any real or personal property necessary for its activities.
- Purchase insurance.
- Exercise powers necessary for the corporation to accomplish its purposes within its powers.
- Indemnify any current or former director or employee for claims against him/her in the absence of negligence, misconduct or omission.

## ***Steps To Forming Transportation Corporation***

### **STEP 1:**        **Submit an Application to MHTC to Form Transportation Corporation**

Three or more Missouri registered voters, at least 21 years of age, should submit an Alternative Funding application to MoDOT. The information provided in the application will satisfy the statutory requirement for preliminary plans and specifications and a preliminary financing plan.

### **STEP 2:**        **First Commission Meeting Following Receipt of Application** *(Approx. 2 months later)*

If the application is complete, the MHTC will order a local public hearing and publication of a notice that the commission is considering authorizing the proposed project and the incorporation of a transportation corporation at a regular meeting.

### **STEP 3:**        **Public Hearing and Notices** *(Approx. 2 months to complete)*

Notice of the public hearing should be developed in conjunction with the appropriate MoDOT district office. The notice must comply with the following criteria:

- Be published in a newspaper in the county or counties in which the project is proposed to be located.
- Be published in a newspaper that has a general circulation of at least once a week.
- Be published four consecutive weeks, with the last publication at least 15 days prior to the date of the hearing.
- Specify the time, date, and place of the hearing.
- Hearing notice must be given to all owners of property to be included within the project limits, at least 15 days prior to the hearing.

Each county, city, town and village in which the project is located must be notified of the request for the project authorization. They are entitled to review the application that gives a general description of the project. Their approval is a prerequisite for MHTC approval.

### **STEP 4:**        **Second Commission Meeting** *(Approx. 2 months later)*

Applicant submits the results of the public hearing to MoDOT, which will be considered at a regular Commission meeting. The applicants may make a presentation regarding the project to the MHTC at this meeting, but it is not required. If the MHTC finds that the project will improve the state highway and transportation system and the financing plan is feasible, the MHTC may approve the project, subject to the corporation making any revisions in the plans and specifications required by the Commission and entering into an agreement with the Commission regarding the development and future maintenance of the project.

The commission will take the following actions:

- Approve the corporation's articles of incorporation, which shall include:
  - The corporation's purpose, project description, scope, area and funding sources.
  - A statement that the corporation is non-stock and has no members.
  - A statement that the MHTC has authorized the corporation, has approved the articles of incorporation and the date of the authorization.
  - Additional information required under Chapter 355 RSMo, the Missouri Not for Profit Corporation Act.
- Appoint the board of directors, with the following requirements:
  - No fewer than six.

- Terms will be staggered and last no longer than six years, with no more than one-third of the terms expiring in the same year.
- No board member can own land on or adjacent to the location of the proposed project, and
- The members will serve without compensation.
- Appoint one or more non-voting advisors to the board (typically, the Department Director and the District Engineer.)
- Approve the corporation's bylaws, when available.
- Approve the final financing plan, when available.

Following this meeting, the articles of incorporation should be filed with the Secretary of State's office. No project construction can begin until the financing and construction plans and specifications have received Commission approval.

#### **STEP 5: First Corporation Board Meeting**

The corporation board should convene, elect a chairman from among the board of directors, appoint an executive chairman, secretary, treasurer and other officers as needed, and adopt bylaws.

#### **STEP 6: Approval of Articles, Bylaws, Finance Plan, Project and Project Plans**

Preliminary plans and specifications must be submitted and approved prior to MoDOT entering into an agreement for the project.

MoDOT considers preliminary plans and specifications to show preliminary geometric details, and included design criteria, proposed alignment, profile, tentative grade, tentative right of way, schematic intersection or interchange layouts, bypasses and pertinent topographic features. Detail plans are developed from these preliminary plans. Section 2-06 of the Project Development Manual addresses Preliminary Design. This section of the Project Development Manual (PDM) can be downloaded from the following website: [www.modot.mo.gov/business/manuals/projectdevelopment.htm](http://www.modot.mo.gov/business/manuals/projectdevelopment.htm).

While the process proceeds more smoothly for all parties when plans and specifications are submitted at this point, when special circumstances require it, waivers to the requirement can be requested.

The Commission or its representative prior to implementation must approve all changes to corporation articles of incorporation, bylaws, finance plan, and project plans. A Corporation project will be treated as a commission highway for purposes of law enforcement. All state laws pertaining to maintaining, signing, damaging, and obstructing roads will apply to the corporation project, with responsibility given to the corporation engineer or employee identified by the board.

#### **STEP 7: Project Title Transfer, Corporation Dissolution**

Upon project completion and payment of all related costs, title to the project will be transferred to the MHTC. All remaining assets will be liquidated and deposited in the State Road Fund. The board will then dissolve the corporation as per sections 239.300 to 238.360 and chapter 355, RSMo, with the MHTC's prior approval. To complete dissolution, the following must occur:

- Articles of dissolution will be executed in triplicate by the corporation by its president and attested to by the secretary
- Triplicate originals must be delivered to the secretary of state
- The secretary of state will stamp each original "filed" with the month, day and year of the filing
- The secretary of state will file one original in his/her office
- The secretary of state will issue two certificates of dissolution and affix them to the remaining originals
- A certificate of dissolution and an original of the articles of dissolution will be forwarded to the corporation representative and the MHTC.



## **Missouri Transportation Development Districts**

The Missouri Transportation Development District (TDD) Act for State Highway System Projects, requires that formation of a development district be initiated by petitioning the circuit court, as described below. If the TDD petitioners are interested in applying for any of the other MoDOT Innovative Finance programs, they should submit a MoDOT Innovative Finance application. If the application requests MoDOT funding, the application will follow the appropriate partnership program review process. Qualified district voter approval must be obtained prior to entering into a financing agreement with the Missouri Highways and Transportation Commission (Commission).

After the circuit court declares the TDD formed, the MoDOT Chief Counsel Office will forward a copy of a cooperative agreement to the transportation district. The TDD, in the interim, elects its board members and officers. The TDD must execute the cooperative agreement, between the Commission and the TDD, before the Commission will approve the project and appoint a Commission representative to the TDD board. Pursuant to the TDD Act, prior to project construction and imposition of any tax the Commission must grant approval of the project.

Below is an abbreviation of the information contained within the Missouri Transportation Development District Act. For full details on transportation development districts, refer to RSMo 238.200 - 275. *For purposes of the Act, "qualified district voters" means if any persons eligible to be registered voters reside within the proposed district, such persons who have registered to vote, or if no persons eligible to be registered voters reside within the proposed district, the owners of real property located within the proposed district.*

### ***Purpose and Powers of a Transportation Development District***

Transportation Development Districts can to the following:

- Fund, promote, plan, design, construct, improve, maintain and operate one or more projects or assist in doing so and is a political subdivision of the state.
- Work with projects that include bridges, streets, roads, highways, access roads, interchanges, intersections, signing, signalization, parking lots, bus stops, stations, garages, terminals, hangars, shelters, rest areas, docks, wharves, lake or river ports, airports, railroads, light rail, other mass transit and any similar or related improvement of infrastructure.
- Form a board of directors who will possess and exercise all of the district's legislative and executive powers, after qualified district voter approval.
- Contract with the Missouri Highways and Transportation Commission (MHTC) or the local transportation authority to receive revenue from the district to apply to project costs.
- Increase or decrease the number of projects it is authorized to complete, subject to voter approval, or modify a project subject to MHTC or local transportation authority approval.
- Levy special assessments, after qualified district voter approval.
- Impose a property tax of 10 cents/\$100 assessed valuation, after district voter approval.
- Impose a sales tax not to exceed 1%, after qualified district voter approval.
- Collect tolls or fees on appropriate highways and roads, following qualified district voter approval.
- Incur contract and liabilities appropriate to its purpose.
- Purchase land or receive contribution of land and cash for project right-of-way.
- Limit and control access from adjacent property to a district project.
- Sell and convey excess right-of-way for fair market value to any person or entity.
- Contract with a federal agency, state agency, political subdivisions of the state, MHTC, a local transportation authority, a corporation, partnership or individual regarding funding, promotion, planning, designing, constructing, improving, maintaining, or operating a project.
- Contract with MHTC or a local transportation authority to transfer the project to them free of cost.
- Sue and be sued in its name, and receive service of process.

- Fix compensation of its employees and contractors, with competitive bidding practices for contracts in excess of \$5,000, and award contracts based on lowest and best.
- Purchase property necessary or convenient for its activities, with competitive bidding practices for purchases in excess of \$1,000, and award purchases based on lowest and best.
- Collect and disburse funds for its activities.
- Condemn land for a project, upon prior approval by MHTC or the local transportation authority, per chapter 523, RSMo.
- Obtain insurance, the cost of which will be charged to the project, to protect itself, its officers and its employees, against loss of real or personal property of any kind.
- Require contractors to obtain liability insurance, also naming the district, its directors and employees as insured.
- Self-insure if economically unfeasible to purchase insurance or if it has sufficient funds to cover anticipated judgments.
- Pay for costs of an audit by the state auditor, occurring no less than once every three years.
- Exercise other powers necessary or convenient for the district to accomplish its purposes.

### ***Steps To Forming A Transportation Development District***

#### **STEP 1:**        **File a Petition With the Circuit Court**

The petition can be filed in any county partially or totally within the proposed district by:

- At least 50 registered voters from each county within the proposed district, or
- the governing body of any local transportation authority within any county where the proposed project is to be located,
- all of the property owners within the proposed district, if no district residents are eligible to be registered voters, or
- two or more local transportation authority adopting resolutions to form a district and then one authority may file.

The petition must contain:

- The name, voting residence and county of residence of each individual petitioner, or
- If no persons eligible to be registered voters reside in the district, the name and address of each owner of real property located within the proposed district, or
- That the petitioner is the governing body of a local transportation authority and acting in official capacity or the name of each local transportation authority within the proposed district with the supporting resolutions attached.
- The name and address of the MHTC and each affected local transportation authority within the proposed district (the respondents), unless already listed as a petitioner.
- A specific description of the proposed boundaries including a map of the district.
- A general description of each proposed project, including the location.
- The proposed district's name.
- The number of board of directors.
- That the terms of office for the initial board will be staggered in equal numbers to expire in one, two or three years, unless the petitioners are two or more local transportation authorities.
- A request that the question be submitted to the voters within the proposed district whether to establish the district to develop certain project(s), if the petition was filed by registered voters or by a governing body.
- A proposal for funding the district and a request that the proposal be submitted to the proposed district's qualified voters and,
- A statement that the proposed district will not be an undue burden on any owner of property within the district and is not unjust or unreasonable.

### District Shall Be Contiguous - When

1. The district area must be contiguous and may consist of all or a portion of one or more municipalities and counties.
2. Properties within the district area that are separated by public streets, easements or right-of-way are considered contiguous.
3. If property owners are forming the district, it will be considered contiguous if the only funding is a sales tax; each parcel within the district is within 5 miles of every other parcel; and, all of the district property will benefit from the transportation project.
4. If two or more local transportation authorities are forming the district, property separated or connected by public streets, easements or rights-of-way are considered contiguous.

### **STEP 2:**        Hearing on Petition

- Within 30 days after filing the petition, the circuit court clerk will deliver the petition to the respondents.
- Respondents have 30 days to reply, either agreeing or opposing the creation of the district.
- If the court does not receive a timely response, it can certify the election without a hearing.
- If opposing the district, the respondent must indicate the following:
  - Why the petition was defective
  - Why the district is illegal or unconstitutional
  - Why the funding is illegal or unconstitutional
  - Ask the court for a declaratory judgment.
- Each petitioner and respondent will receive a copy of each respondent's answer.
- The circuit clerk will publish notice of the intent to form the district and its funding methods in a local general circulation newspaper, once a week for four consecutive weeks, if the petition was filed by registered voters or by a governing body. The notice may include the time and place of a public hearing and must contain wording as proposed in section 238.212 of the Act.
- Court will hear the case without a jury and declare its judgment.
- If the petition was filed by registered voters or by a governing body, and if the court's judgment favors the creation of the district, it will certify the questions of district creation, project development and funding for voter approval. This will require more than one election.
- If all the proposed district's property owners filed the petition, and if the court's judgment favors the creation of the district, it will declare the district organized and certify the funding methods for qualified voter approval.
- If two or more local transportation authorities filed the petition, the court will certify one question for voter approval in regard to district creation, project development and funding, if the funding mechanism is a sales tax. This will require only one election.
- The court's judgment can be appealed by anyone having filed an answer or petition, in the same manner as for other circuit court appeals.

### **STEP 3:**        Election - Vote on Projects and Funding

If the court certifies the petition for voter approval, the district formation will be placed as a ballot issue on the next regularly scheduled election day during which each affected county is holding an election, or meet the requirements for a mail-in election found in section 238.216 of the Act. Each qualified voter (registered voters or, if none, property owners) shall have one vote.  
The ballot issue will:

- Identify the projects and funding methods.
- Require the voters to approve or disapprove of each project and funding method.
- Must receive a majority of the votes to pass.
- Contain language similar to section 238.215 of the Act.

If the issue fails, it cannot be resubmitted to the voters for two years. Expenses for the certification are the responsibility of the petitioners, but are reimbursable from the TDD revenues, if the ballot issue passes.

**STEP 4:**            Election - Board of Directors

If the formation of the district is approved and if registered voters reside within the district, an election will be held to elect the board of directors, as follows:

- An interested person must petition the circuit court for an election.
- The court orders the county clerk to hold an election in the district's area within 120 days after the district is established.
- The board must contain from 5 to 15 members.
- Directors will be elected at large.
- Terms will be based on number of votes, with initial terms staggered from 1 to 3 years (Successor directors will serve 3-year terms).
- Candidates for the board of directors must pay \$5 and file a statement under oath with the county that he/she possesses the following qualifications:
  - Must be a resident of the district.
  - Must be a registered voter.
  - Must be at least 21 years of age.

If the formation of the district is approved and if no registered voters reside within the district, an election will be held to elect the board of directors, as follows:

- Within 30 days of certifying the district formation, the circuit clerk will publish a district property owner meeting notice in a local general circulation newspaper for two consecutive weeks, once per week, the last publication occurring at least ten days prior to the date established for the meeting.
- A chairman and secretary elected by the property owners/representatives for the special meeting will conduct board election.
- The board will be composed of property owners or their representatives.
- The board must contain from 5 to 15 members.
- Directors must be at least 21 years of age.
- The number of votes available to property owners/representatives is based on the number of acres of property owned within the district.
- Initial directors' terms will be 3, 2 or 1 year(s) duration, based respectively on the number of votes received, from highest to lowest count. The terms will be divided among board members, assigned to individual members based on their vote count placement, in increments of 1/3 of the total members.
- Successors will be elected in the same manner as the initial board and will serve 3-year terms.
- The MHTC will appoint advisors to the board, who have no vote but can attend all meetings whether open or closed.
- Any county within the district may also appoint a non-voting advisor to the board.

If the petitioners were multiple local transportation authorities, the boards of directors are determined in the following manner:

- If there are 4 or more local transportation authorities in the district, each local transportation authority presiding officer will be on the board.
- If there are 2 to 3 local transportation authorities in the district, the board will consist of the local transportation authority presiding officer and one person appointed by each of the local transportation authorities.
- Each director shall be at least 21 years old and either a resident or property owner of the local transportation authority.

**STEP 5:**        Duties of the Board

- The board must meet within 30 days after the election or selection of the directors.
- The court, either upon petition or on its own, will designate the time and place of the first meeting.
- The board will elect a chairman at the first meeting from among its members.
- The board will also appoint an executive director, district secretary, treasurer and other officers/employees as necessary; adopt a fiscal year; and adopt a corporate seal.
- A quorum is a simple majority and can act in the name of the board.
- Directors may be reimbursed for actual expenditures in performance of district duties.

**STEP 6:**        Project Approval

Preliminary plans and specifications must be submitted and approved prior to MoDOT entering into an agreement for the project.

MoDOT considers preliminary plans and specifications to show preliminary geometric details, and included design criteria, proposed alignment, profile, tentative grade, tentative right of way, schematic intersection or interchange layouts, bypasses and pertinent topographic features. Detail plans are developed from these preliminary plans. Section 2-06 of the Project Development Manual addresses Preliminary Design. This section of the Project Development Manual (PDM) can be downloaded from the following website: <http://www.modot.mo.gov/business/manuals/projectdevelopment.htm>.

While the process proceeds more smoothly for all parties when plans and specifications are submitted at this point, when special circumstances require it, waivers to the requirement can be requested.

- The MHTC must approve project plans and specifications at a MHTC meeting before any construction or funding may begin, unless the MHTC determines it has no interest in the project. If the MHTC approves the project, the district and the commission must enter into a mutually satisfactory agreement regarding the development and future maintenance of the project.
- Once approved, any subsequent changes to the plans and specifications must have prior commission approval.

**STEP 7:**        Project Financing

The district has the authority to finance the project through the following mechanisms.

- Special Assessments:
  - Must either be approved by a majority vote of district voters, if any, or by the district property owners, who will indicate their approval by signing a special assessment petition.
  - There may be one or more assessments, which must apply to project improvements that specially benefit district properties.
  - The ballot issue must be similar to the language stated in section 238.230 of the Act.
  - The petition must be similar in form to section 238.230 of the Act.
  - If the proposal fails, the district may delete the portion of the project to be financed from the assessment, following commission or authority approval.
  - Special assessments will be collected by the county collector of each district county, business license taxes will be collected by the city treasurer of the city in which the district is located, and both amounts collected for the previous month will be forwarded to the district treasurer, less the collector's commission (not to exceed 1% of the total amount collected), by the fifteenth day of the month following collection. The treasurer shall deposit appropriately and issue a receipt to the collector. They will reconcile their books at least once a year. As an alternative, the district may elect to collect their own revenues.
- *Property Taxes:*

- Must be approved by four-sevenths of the qualified voters voting on the question within the district.
- May not exceed an annual rate of ten cents per one hundred dollars assessed valuation.
- The district may impose a tax lower than approved by the voters and increase later without voter approval.
- The imposed tax must be uniform within the district.
- The ballot issue must be similar to the language stated in section 238.232 of the Act.
- Property taxes will be collected by the county collector of each district county and forwarded to the district treasurer, less the collector's commission (not to exceed 1% of the total), by the fifteenth day of the month following collection. The treasurer shall deposit appropriately and issue a receipt to the collector. They will reconcile their books at least once a year. As an alternative, the district may elect to collect their revenues.
- *Sales Tax*
  - The sales tax is on all retail sales made in the district subject to taxation, with the exclusion of motor vehicles, trailers, boats, outboard motors and utilities.
  - The sales tax must be approved by a majority of district qualified voters voting in a general, primary or special election.
  - The ballot issue must be similar to the language in section 238.235 of the Act.
  - The sales tax is effective on the first day of the month following adoption of the tax.
  - The tax shall be collected by the district retailers based on brackets established by the transportation district.
  - Sales tax proceeds will be deposited into a special trust fund and used only for the project purposes and can be invested by the board, when not needed for current expenditures.
  - The sales tax rate can be 1/8 of 1%, 1/4 of 1%, 3/8 of 1%, 1/2 of 1% or 1% on the receipts from the sale at retail of all tangible personal property or taxable services at retail, excluding items previously mentioned in item #1 and exemptions pursuant to 144.010 and 144.525, RSMo (agencies of government, organizations, etc.).
  - All TDD sales tax rates must be uniform within the district.
  - The tax will be reported, returned to, and collected by the district.
  - All applicable confidentiality provisions, discounts for collection and payment of, penalties for violation, and exemptions apply to the collection of the TDD tax, (per sections of the Revised Statutes of Missouri as identified in the TDD Act).
  - No additional permit or exemption or retail certificate is required, unless prescribed by the Secretary of State's office.
  - All retail sales, except motor vehicles, are viewed as occurring at the retailer's place of business, unless the property is delivered to an out-of-state destination. If the retailer has more than one place of business, the sale will be viewed as occurring where the initial order is taken.
  - Taxes collected by the district will be deposited in a special fund and expended for the purposes authorized. Accurate records will be kept and made available to district officers and the general public.
  - The repeal or amendment of a sales tax can be initiated by 10% of the qualified voters signing a petition to that effect and presenting it to the district board.
  - If the repeal will not impair the district's ability to repay debt or borrowings related to the project, a vote will be taken of the qualified voters and pass with a majority.
- *Toll Roads*
  - Tolls or fees must be approved by a majority of the qualified district voters voting on the question.
  - Fees may vary depending on the users and the nature of the use.
  - The ballot issue is similar to the language contained in section 238.237 of the Act.
  - Tolls on existing state highways and roads require relocation of the highways or roads, subject to commission/authority approval.
  - An existing free public highway, road or street cannot be incorporated into a district project and be subject to tolls.

- *Debt Financing*

- A district may contract and incur liabilities.
- A district may lease or lease/purchase.
- A district may borrow money at interest rates the district determines.
- A district may issue bonds, notes or other obligations and secure the obligations.
- Bonds will be issued as follows:
  - Principal will be payable out of the district revenues.
  - Bonds can be subordinated to previous bonds.
  - Issuance requires a resolution of the district.
  - Maturities set must be 40 years or less.
  - The district may determine public or private sale, interest rates, and bond price.
  - Bonds may be refunded.
  - Refunding bonds may not exceed the amount needed to refund outstanding district bonds, including unpaid interest, premiums, commissions, service fees and other necessary expenses.
  - Refunding bonds may be issued regardless of whether the bonds being refunded were issued in connection with the same project or a separate project, differences in due dates or differences in whether bonds were serial or otherwise.
  - The MHTC may issue bonds for the district or assist the district in its issuance, if the project is to be merged into the state system.
  - The local transportation authority may issue bonds for the district or assist the district in its issuance, if the project is to be merged into a local system.
  - Bonds issued under the authority of the TDD Act are solely the responsibility of the district and are exempt from Missouri taxation, excluding state estate tax.

**STEP 8:**            Purchases and Access Control of Property

Subject to Commission approval, a district may:

- Purchase, receive donations of, or receive cash for right of way.
- Limit and control access from adjacent property to a district property.
- Sell and convey excess right of way at fair market value to any person or entity.

**STEP 9:**            Condemnation and Relocation

- With prior condemnation approval of MHTC or the local transportation authority, the district may condemn lands for a project in the name of the state of Missouri pursuant to 523, RSMo.
- Upon notice to the landowner, the district may survey the property for the most advantageous route and design.
- If relocation becomes necessary, the district will provide relocation assistance and make relocation payments to the displaced individuals and follow procedures established by the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

**STEP 10:**           Increasing or Decreasing the Number of Projects

- A district may increase the number of projects by submitting the question to the district voters.
- A district may decrease the number of projects by first obtaining MHTC approval and then submit the questions to the voters.

**STEP 11:**           Property Conveyed to District by the State

- Right-of-way or other easement necessary for the project development may be granted or conveyed to the district by an act of the general assembly, the MHTC or local authority.

**STEP 12:**           Regulation of Projects

- For purposes of law enforcement, projects will be treated as parts of the system to which they will be transferred, either as commission highways or streets of the local transportation authority.
- State laws pertaining to maintaining, signing, damaging and obstructing roads shall apply to the district projects. Powers for enforcement are vested in the district engineer or other designated employee.
- For outdoor advertising or junkyard control purposes, a project may be designated as part of the commission highway system or the local transportation authority system.

**STEP 13:**        Audits

- The state auditor shall audit the district at least once every three years. The district is responsible for the audit costs.

**STEP 14:**        Transfer of Projects to the Commission or Authority and Abolishment of the District

- Within six months following final payment of development and initial maintenance costs, ownership and control of the project will be transferred to the MHTC or the local transportation authority, by contract, which will assume responsibility for future maintenance costs.
- Following the transfer or if the district is unable to complete the project, the District board must submit to voters the question of whether to abolish the district. Prior to the election, the state auditor will audit the district to ensure it can legally dissolve, i.e. has no outstanding claims or actions pending against it, liabilities do not exceed assets or it is not insolvent, in receivership or under the jurisdiction of the bankruptcy court. The ballot question should contain the relevant language contained in the TDD Act.
- If the abolishment question is passed, the district board will:
  - Sell any property it wishes and then transfer the remaining property and revenues to the MHTC or the local transportation authority assuming maintenance and control of the project.
  - Hold a public meeting to announce that the district has been abolished effective that date.
  - File copies of the resolution with the secretary of state, the director of revenue, the commission and each local transportation authority affected by the district.



# Debt-Financing Programs

## Project Eligibility

When the innovative finance project proposal involves MTFC or STAR financing, the project will be reviewed using the following evaluation criteria.

- Transportation need
- Timeliness of repayment
- Economic benefit
- Public benefit
- Financial feasibility

**MTFC Eligibility** -- Highway and bridge projects become eligible for MTFC funding based on FHWA's functional classification system, which establishes design standards. All FHWA functionally classified highways are MTFC eligible except for local or rural minor collectors. All bridges within the state that are included within FHWA's bridge inventory are also eligible. The nearest MoDOT District Office can assist in determining whether a highway or bridge is federal aid eligible. (See Appendix B for how to contact your MoDOT district).

All mass transportation capital projects that would otherwise be eligible to receive federal funding are MTFC eligible projects.

**STAR Fund Eligibility** -- The following types of projects are eligible for STAR loans: air, water, rail or mass transit facility construction; mass transit vehicles; vehicles for elderly or handicapped persons.

## Financing Options

**Financing options** include loans and credit enhancements of various kinds to eligible recipients and projects. The loans, loan guarantees, and standby lines of credit may offer more flexible repayment terms and more favorable interest rates than would be available from other lenders. Generally, an applicant will seek assistance to supplement a project's financing plan. The assistance may take the form of a reserve amount for a bond issue; a pre-construction loan before bonds are issued for permanent project financing; or a longer-term loan for project costs. Loans may be subordinate to other project financing.

## Terms

The length of loan repayment is generally based on the size of the loan and is tailored to the applicant's revenue stream. Loan policy establishes 10 years as the maximum term for a loan, unless the board approves an exception.

The interest rate for a tax-exempt entity is based on a comparable term municipal bond. The interest rate for a taxably entity is based on a comparable term U.S. treasury instrument. To see an example of what today's interest rates for a loan would be benchmarked against, go to

<http://www.bloomberg.com/markets/rates/index.html>.

## Application Process

	<b>Application Review / Approval Process</b>	<b>Cost Share / Economic Development</b>	<b>MTFC</b>	<b>STAR</b>	<b>TC</b>	<b>TDD</b>
1	MoDOT district & applicant determine scope and cost of project	X			X	X
2	DE and TP concurrence on project funding	X				
3	Application submitted to Resource Management	X	X	X	X	X <sup>1</sup>
4	Internal MoDOT review	X	X	X	X	X
5	IFSC review	X <sup>2</sup>	X	X	X	X <sup>3</sup>
6	Execution of Letter of Commitment		X			
7	MTFC approval		X			
8	MHTC order public hearing				X	
9	Execution of Agreement	X	X	X	X	X
10	MHTC approval	X		X	X	X

X<sup>1</sup> Petition submitted to circuit court MoDOT receives a copy of the petition from the court within 30 days.

X<sup>2</sup> IFSC reviews applications submitted by the first working day of March, June, September or December on a quarterly basis.

X<sup>3</sup> If project is contested by a respondent IFSC will review.

### Application Copies and Fees

**Please submit the 4 copies of the application and appropriate fees to the location specified. Additional applications can be found at <http://www.modot.mo.gov/services/community/innovfinancing.htm>.**

**Non-refundable application fee:** .15% of MTFC/STAR Loan Amount (Minimum \$250, Maximum \$1,500) or \$500 for Transportation Corporations

**Make checks payable to:** Missouri Highways & Transportation Commission (Transportation Corporation application and STAR loans) or Missouri Transportation Finance Corporation (MTFC loans)

**Mail applications to:** Missouri Department of Transportation  
Office of Resource Management  
P.O. Box 270  
Jefferson City, MO 6510  
Phone: (573) 526-2412 or 522-4613

### Plans and Specifications Requirements

Preliminary plans and specifications must be submitted and approved prior to MoDOT entering into an agreement for the project.

MoDOT considers preliminary plans and specifications to show preliminary geometric details, and included design criteria, proposed alignment, profile, tentative grade, tentative right of way, schematic intersection or interchange layouts, bypasses and pertinent topographic features. Detail plans are developed from these preliminary plans.

While the process proceeds more smoothly for all parties when plans and specifications are submitted at this point, when special circumstances require it, waivers to the requirement can be requested.

**For questions concerning application process please contact the Office of Resource Management at 573/526-8106 or send e-mail to [Innov-Finance@modot.mo.gov](mailto:Innov-Finance@modot.mo.gov).**

## **Appendix A - Acronyms/Definitions**

**Commission - Missouri Highways and Transportation Commission**

**Facility/Capital Project - Includes passenger vehicles, service vehicles, administrative passenger and maintenance facilities, and all non-expendable equipment necessary to provide the transportation service.**

**FHWA - Federal Highway Administration**

**FRA - Federal Railroad Administration**

**FTA - Federal Transit Administration**

**IFSC - Innovative Finance Steering Committee, the MoDOT committee that reviews and approves applications, subject to Commission or MTFC approval.**

**MHTC - Missouri Highways and Transportation Commission**

**MPO - Metropolitan Planning Organization**

**MoDOT - Missouri Department of Transportation**

**MTFC - Missouri Transportation Finance Corporation**

**Partnership Debt-Financing Programs - Programs that bring money to the project that has to be repaid.**

**Partnership Funding Programs - Programs that bring money to the project that doesn't have to be repaid.**

**Public Purpose Aviation Facility - Aviation facilities that have at least one paved runway, retail sale of aviation fuel, and a facility to shelter, service and repair aircraft.**

**Public Purpose Ferry - A ferryboat operation that offers the general public services to, from or within the State of Missouri to move pedestrian and vehicular traffic.**

**Public Purpose Port Terminal Facility - A cargo handling facility for waterborne commerce, including docks and loading/unloading equipment, which is available to the shipping public.**

**Public Purpose Transit Facility - A transit facility or service that is open to the entire public on an equal basis or open to the entire elderly and disabled population on an equal basis, or open to the entire disabled population on an equal basis. All facilities and services must comply with the Americans with Disabilities Act. Public transit facilities and services can be operated by a public body (statutory creation-body corporate and politic), nonprofit and private entities under contract with a public body.**

**Qualified Transportation Development District Voters - If any persons eligible to be registered voters reside within the proposed district, such persons who have registered to vote, or if no persons eligible to be registered voters reside within the proposed district, the owners of real property located within the proposed district.**

**TDD Respondent - Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority.**

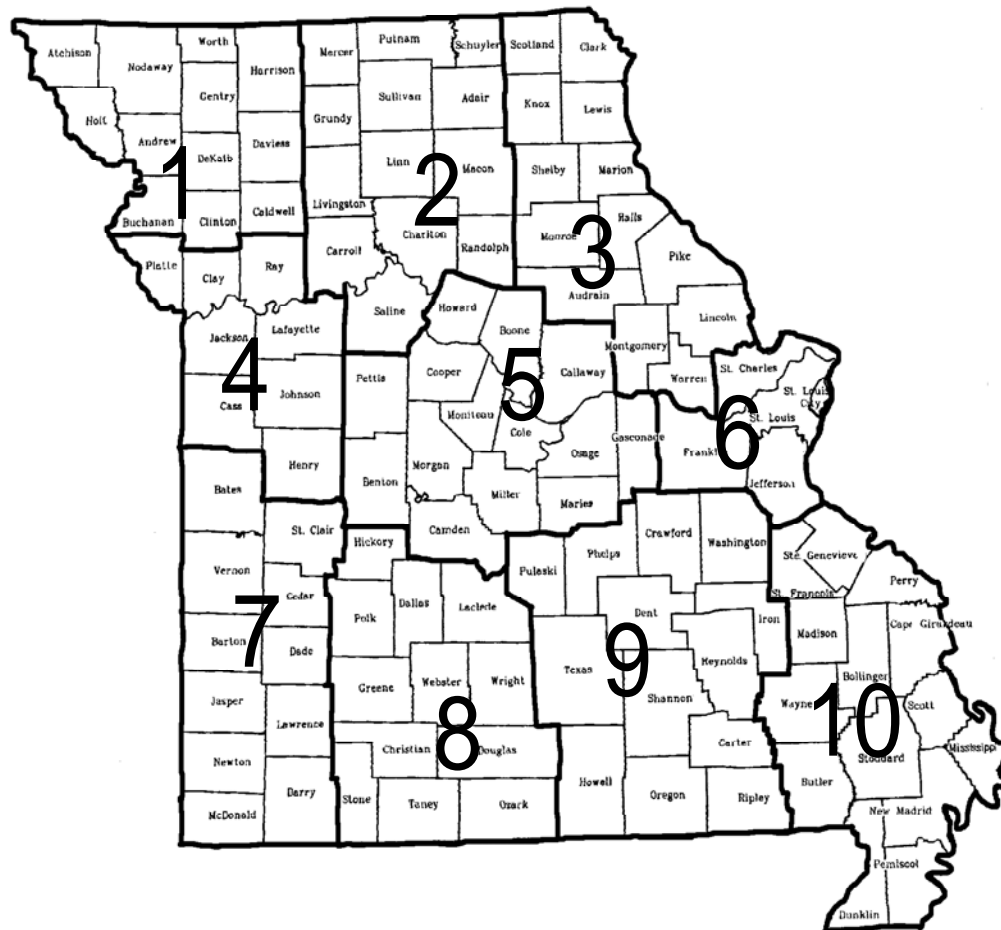
**STAR Fund - State Transportation Assistance Revolving Fund created to assist in the planning, acquisition, development and construction of transportation facilities other than highways in the state.**

**Transit - Generally refers to passenger service provided to the general public with fixed or variable schedules at published fares.**

**Transportation Improvement Program (TIP) - The TIP is a priority list of projects and project segments developed by a Municipal Planning Organization (affects St. Louis City/County, Kansas City, Joplin, Springfield, Columbia, St. Joseph, Jefferson City area) for work over a three to five-year period. All projects proposed for the use of Federal funds within an urbanized area must be included in the appropriate TIP.**

## Appendix B - Missouri Department of Transportation District Map

<u>District 1</u> 3602 North Belt Hwy P.O. Box 287 St. Joseph, MO 64502 (816) 387-2350	<u>District 2</u> 902 North Missouri St. P.O. Box 8 Macon, MO 63552 (660) 385-3176	<u>District 3</u> 1711 Highway 61 South P.O. Box 1067 Hannibal, MO 63401 (573) 248-2490	<u>District 4</u> 600 Northeast Colbern Road; Lee's Summit, MO 64086 (816) 622--6500	<u>District 5</u> 1511 Missouri Blvd. P.O. Box 718 Jefferson City MO 65102 (573) 751-3322
<u>District 6</u> 1590 Woodlake Dr Chesterfield, MO 63017-5712 (314) 340-4100	<u>District 7</u> 3901 East 32 <sup>nd</sup> St. P.O. Box 1445 Joplin, MO 64802 (417) 629-3300	<u>District 8</u> 3025 East Kearney M.P.O. Box 868 Springfield MO 65801 (417) 895-7600	<u>District 9</u> 910 Springfield Rd P.O. Box 220 Willow Springs MO 65793 (417) 469-3134	<u>District 10</u> 2675 North Main St. P.O. Box 160 Sikeston, MO 63801 (573) 472-5333



## **Appendix C - MoDOT Alternative Financing Application Form**

### *Application Checklist*

An application must include the following checked items as appropriate.

<b>Cost Share / Economic Development</b>	<b>MTFC Loan</b>	<b>Trans. Corp</b>	<b>STAR Fund</b>	
X	X	X	X	<b>Section A: Applicant Information</b>
				<b>Section B: Project Information</b>
X	X	X	X	1. Project Name
X	X	X	X	2. Location
X	X	X	X	3. Project Description
X	X	X		4. Project Significance
	X	X		5. Private Participation
X	X	X		6. Project Acceleration
				<b>Section C: Plan of Finance</b>
X	X	X	X	1. Estimated Project Costs
X	X	X	X	2. Project Overview
*	X	X		3. Revenues
*	X	X	X	4. Debt
	X	X		<b>Section D: Applicant Certification</b>
*	X	X	X	<b>Section E: Submission Acknowledgement</b>
X	X	X	X	<b>Exhibit I:</b> Project Location Map
*		X		<b>Exhibit II:</b> Conceptual Study or EA/EIS
X	X	X		<b>Exhibit III:</b> Supporting Documentation: Project Significance
X	X	X		<b>Exhibit IV:</b> Supporting documents for the public-private partnerships, if applicable
X	X	X	X	<b>Exhibit V:</b> Status of Source of Funds
*	X	X	X	<b>Exhibit VI:</b> Supporting Documentation: Revenue and Cost Projections
	X	X	X	<b>Exhibit VII:</b> Audited Financial Statements (Three Years)
*	X	X	X	<b>Exhibit VIII:</b> Supporting Documentation: Financing Documents
				<b>Other:</b> Non-refundable Application Fee
	X		X	.15% of MTFC/STAR Loan Amount (Minimum \$250, Maximum \$1,500)
		X		\$500 for Transportation Corporations

\* Fields required if project applicant is using debt financing.

## ***SECTION A - Applicant Information***

*Do not use this form to supply the requested information, use this as the outline for your application. Three contact names and contact information must be submitted for Transportation Corporations.*

**Name of Applicant:**

**Other Names Under Which Applicant Does Business:**

**Business Address:**

**Mailing Address (if different from above):**

**Contact Person Name:**

**Contact Person Title:**

**Mailing Address for Contact Person (if different from above):**

**Telephone:**

**Fax:**

**E-Mail Address:**

### **Applicant Information:**

Describe Applicant's organizational structure, history, ownership, and legal structure (e.g., individual, state governmental agency, local governmental agency, corporation, or partnership). Attach an annual report, if available.

Describe broadly the purpose of the application being submitted (e.g., to form a transportation corporation and/or to apply for MTFC and/or STAR assistance and/or a cost share or economic development grant.)

## ***SECTION B - Project Information***

**1. Project Name.** Assign a short name to the project, for purposes of identification. Also include the MoDOT Job Number, if the project is programmed.

**2. Location.** Describe the location of the project, including major intersecting highway and rail routes, cities, towns, metropolitan planning organizations, and regional planning commissions. Attach a map as Exhibit I.

**3. Project Description.** Describe the need for the project, its basic design features, and what it will accomplish. Include an assessment of the current condition of all transportation facilities relating to the project.

When the application is submitted, a Conceptual Study or Plan is required. This includes the project Purpose and Need Explanation, stating what conditions (safety, congestion, access, bike/ped, roadway, bridge, etc.) will be addressed with the project solution or concept. Section 2-01 of MoDOT's Project Development Manual addresses Conceptual Studies for most projects.

If there is a possibility of a significant environmental impact with the project, then an Environmental Assessment or Environmental Impact Statement document is required. Section 2-02 of the Project Development Manual defines the requirements of these documents.

These sections from the Project Development Manual (PDM) can be downloaded from the following website: [www.modot.mo.gov/business/manuals/projectdevelopment.htm](http://www.modot.mo.gov/business/manuals/projectdevelopment.htm).

Attach Conceptual Study or EA/EIS as applicable as Exhibit II.

**4. Project Significance and Need for the Project.** Describe the extent to which the project is regionally significant. Describe the project's ability to generate economic benefits, support commerce, or otherwise enhance the transportation system. Supporting documentation may be attached as Exhibit III.

**5. Private Participation.** Describe the extent to which the project fosters innovative public-private partnerships, if any, and attracts debt and/or equity investment from private capital. Identify private partners and provide evidence of commitments, joint venture agreements, lease, or other supporting documents for the public-private partnerships as Exhibit IV. Also, describe the extent to which the project's debt repayment depends on user charges.

**6. Project Acceleration.** Estimate and explain the effect of assistance on the project's start and completion dates, the extent to which the project may proceed at an earlier date than would otherwise be possible, and any effects of an accelerated project timeline (e.g., reduced costs or increased benefits).



## ***SECTION C - Plan of Finance***

*Financial Plans and Updates should be prepared in accordance with the guidelines of this document and with recognized financial reporting standard. Financial forecasts should be prepared in good faith by qualified personnel. Financial forecasts should provide best means of seeking out information and be consistent with the plans of the entity that it is prepared for. Assumptions should be appropriate with key factors being identified. The process used to develop financial forecasts should provide the means to determine the effect of changes on underlying assumptions; provide adequate documentation of both the financial forecasts and the process used to develop them; and include adequate review and approval by the responsible party at the appropriate levels. These guidelines are noted in "Guide for Prospective Financial Information" of the "American Institute of Certified Public Accountants."*

### **1. Estimated Project Cost**

Provide a detailed cost estimate for the project including the following:

1. Distinguish between total and eligible project costs; and describe any costs or activities that may not be eligible.
2. For eligible costs, provide an activity breakdown, as applicable, for: feasibility studies, preliminary engineering, environmental assessment, right-of-way acquisition, vehicle acquisition, construction, construction engineering and inspection, project management, contingencies, and capitalized financing costs (including reserves, capitalized interest, and capital issuance costs for other project financing). Include other cost categories as necessary.
3. All cost estimates should be expressed on a cash (fiscal year-of-expenditure July to June) basis and should include a narrative describing assumptions used to arrive at such estimates. All future costs should be adjusted for inflation to year of expenditure.
4. Estimate the date costs will be incurred. Include the month and the year of said cost.
5. Calculate total project costs.

### **2. Project Overview**

#### **a. Sources and uses:**

1. Project Fund Sources: Sources should include separate line items, as applicable, for federal grants, state grants, local grants, private investment (equity or debt); any other contributions, market value of right-of-way dedications, bond proceeds (general obligation, revenue, and others), other borrowing (specify), investment income, revenues, and federal credit assistance proceeds. For each line item, describe the status of the source (e.g., requested, committed, and received).

2. Project Fund Uses: Uses should include separate line items, as applicable, for feasibility studies, preliminary engineering, design, environmental

assessment and mitigation, right-of-way acquisition, vehicle acquisition, construction, construction engineering and inspection, insurance, project management, contingency funds, and capitalized financing costs (including debt service reserve funds, capitalized interest, and capital issuance costs for other project financing). Include other categories as necessary

3. Ensure total sources and uses are equal to one another and equal the estimated total project costs. All estimates should be expressed in fiscal year-of expenditure dollars.

b. Project Timeline: Timeline should show the estimated project dates from beginning to completion. Show all major aspects of the project including application, design, construction, and financing.

c. Project Risks: Identify risks to project completion and sufficiency of revenues. Sample risks might include cost escalation, approvals, litigation, construction schedules, ridership and traffic levels, availability of grant funding, and market access. Identify mitigation strategies and any proposed cost-containment approaches (e.g., design-build, value engineering, guaranteed maximum price and/or completion date, warranties, or other incentive/disincentive clauses).

### **3. Revenues To Repay Debt Financing**

a. Sources of Revenue: Describe all revenue sources to be used to repay project financing, if applicable. Specify the nature of the revenue source (dedicated or not dedicated), the expected rate(s), the base to which such rates will be applied (e.g., retail sales, average daily traffic), projected revenues from each source, and projected increases or decreases in such revenues over time. Sources should include separate line items, as applicable, for federal grants, state grants, local grants, private investment; any other contributions, market value of right-of-way dedications, bond proceeds (general obligation, revenue, and others), other borrowing (specify), investment income, revenues, and federal credit assistance proceeds. For each line item, describe the status of the source (e.g., requested, committed, and received). Provide supporting documentation to evidence the status of these funds in Exhibit V.

b. Elaborate on existing or anticipated pledges/claims on revenues and provide a brief summary of all claims on the flow of funds.

c. Attach documentation (e.g., revenue studies or analysis, feasibility studies, traffic studies, and economic forecasts) as Exhibit VI to provide the basis for projected revenues and their respective anticipated rates of change.

### **4. Debt**

a. Project Credit Identification for MTFC and Star Loan Programs: Identify the type(s) of credit instrument being requested (secured loan, loan guarantee, standby line of

credit) and, at a minimum, the following proposed terms and conditions for each proposed credit instrument: amount, origination date, final maturity date, estimated interest rate, timing of disbursements, pledged security, repayment sources, and lien position.

- b. Total amount of debt being incurred for the project.
- c. Percent of project being funded by debt instruments.
- e. Estimated debt service schedule and coverage for all project debt, addressing both senior and junior lien debt, and illustrating projected combined coverage, include MTFC/Star Loan as applicable.
- f. Provide information on the other types of borrowing, including the form of borrowing (e.g., types of bonds to be issued, MTFC, Star), the pledged security for such borrowing, its priority with respect to the security pledged, details on structuring, rating assumptions, and anticipated timing of receipt of such funds.
- g. Creditworthiness. Describe the creditworthiness of the project as noted below.
  - 1. Provide year-end audited financial statements for the past three years, as available, as Exhibit VII.
  - 2. Provide information concerning the ability of the applicant(s) (or any significant public or private partners that pledge to repay or provide funding) to repay all borrowed funds. Describe the extent to which the project includes security features, such as a rate covenant and an additional bonds test, to ensure repayment.
  - 3. Provide a copy of existing financing documents, such as a trust indenture agreement, including any rating agency credit reports, for other creditors of the project or a term sheet indicating the proposed features of the anticipated financing documents, as Exhibit VIII. The information should indicate the MTFC instrument's status in relation to pledged security, coverage, and treatment under an additional bonds test.

## Section D - Applicant Certification

*If the project in this application is on the state highway system or will be requesting federal funds, have the appropriate District Office fill out Section D. If not, applicant must complete.*

**1. Federal Requirements.** This project complies with, and/or will comply with, the requirements of (check all that apply):

\_\_\_\_\_ Title 23 of the U.S. Code  
\_\_\_\_\_ Chapter 53 of title 49 of the U.S. Code  
\_\_\_\_\_ Section 5333(a) of title 49 of the U.S. Code

If the applicant intends to request waivers to any requirements included in the preceding citations, explain on an attached sheet.

**2. National Environmental Policy Act.** The project complies with, and/or will comply with, all provisions of the National Environmental Policy Act of 1969 (42 W.S.C. 4321 et seq.).

Yes \_\_\_\_\_ No \_\_\_\_\_ If no, explain on an attached sheet.

The project (check all that apply):

Yes _____	No _____	Received a Categorical Exclusion.
Yes _____	No _____	Received a Finding of No Significant Impact (FONSI)
Yes _____	No _____	Circulated a Draft Environmental Impact Statement.
Yes _____	No _____	Circulated a Final Environmental Impact Statement.
Yes _____	No _____	Received its Record of Decision. (If no, provide on an attached sheet the estimated date for receipt of the Record of Decision.)

**3. Uniform Relocation.** This project complies with, and/or will comply with, all provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1070 (42 U.S.C. 4601 et seq.)

Yes \_\_\_\_\_ No \_\_\_\_\_ If no, explain on an attached sheet.

**4. Civil Rights.** This project complies with, and/or will comply with, all provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

Yes \_\_\_\_\_ No \_\_\_\_\_ If no, explain on an attached sheet.

**5. Other Requirements as Applicable.** This project complies with, and/or will comply with, all other applicable provisions of federal law.

Yes \_\_\_\_\_ No \_\_\_\_\_ If no, explain on an attached sheet.

**6. Lobbying.** Section 1352 of Title 31, United States Code, provides that none of the funds appropriated by any Act of Congress may be expended by a recipient of a contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, or an employee of a Member of Congress in connection with the award or making of a federal contract, grant, loan, or cooperative agreement or the modification thereof. MoDOT interprets this provision to include the use of appropriated funds to influence or attempt to influence 1) the selection for a secured loan, loan guarantee, or line of credit under the MTFC or 2) the funding of a transportation project supported or partially supported by federal funds.

## SECTION E - Submission Acknowledgment

*As the Applicant or as an authorized representative of the Applicant, I hereby submit this MoDOT Alternative-Finance Application and represent that the statements contained herein are true and correct to the best of my knowledge. We believe that the assumptions underlying the Financial Plan are reasonable and appropriate. Further, we have made available all significant information that we believe is relevant to the Financial Plan and, to the best of our knowledge and belief, the documents and records supporting the assumptions are appropriate. I also understand that the acceptance and consideration of this application does not constitute approval by the Missouri Highways and Transportation Commission. As a Transportation Corporation applicant I hereby attest to being a twenty-one year old registered voter in the state of Missouri.*

---

**Signature**

---

**Typed or Printed Name**

---

**Title**

---

**Date**

---

**Signature** (Trans. Corp Only)

---

**Typed or Printed Name**

---

**Title**

---

**Date**

---

**Signature** (Trans. Corp Only)

---

**Typed or Printed Name**

---

**Title**

---

**Date**

*\*If this is a State Highway System project, the MoDOT District Engineers' signature is required. With this signature, the MoDOT district concurs with the application assumptions and supports the project as a part of the state highway system or as a logical addition to the state highway system.*

---

**Signature**

---

**Typed or Printed Name**

---

**Title**

---

**Date**

---

**District**

*\*If this project is located in a Metropolitan Planning Organization (MPO) area, the MPO's director's signature is required. With this signature the MPO director concurs with the application assumptions and supports the project.*

---

**Signature**

---

**Typed or Printed Name**

---

**Title**

---

**Date**

*\*Cost Share / Economic Development Applications require a letter of support from the MoDOT District Engineer and the Metropolitan Planning Organization instead of the signature block.*

*Submit 4 copies of the application to: Resource Management Division, Missouri Department of Transportation, P.O. Box 270, Jefferson City, MO 65102 (Phone 573/526-2412)*